**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑23‑139 SO AS TO PROVIDE THAT A REGULATION PROMULGATED ON OR AFTER JULY 1, 2014, BY A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT EXPIRES FIVE YEARS FROM THE DATE ON WHICH IT BECOMES EFFECTIVE; AND TO AMEND SECTION 1‑23‑120, AS AMENDED, RELATING TO APPROVAL OF REGULATIONS INCLUDING THE REQUIREMENT OF STATE AGENCIES TO REVIEW EVERY FIVE YEARS REGULATIONS IT HAS PROMULGATED, OR FOR WHICH IT HAS ADMINISTRATIVE RESPONSIBILITY, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO REGULATIONS PROMULGATED BY AN AGENCY OR DEPARTMENT WHICH EXPIRE FIVE YEARS AFTER THEY TAKE EFFECT AS PROVIDED IN SECTION 1‑23‑139.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 23, Title 1 of the 1976 Code is amended by adding:

“Section 1‑23‑139. A regulation promulgated on or after July 1, 2014, by a state agency or department under this article expires five years from the date on which it becomes effective.”

SECTION 2. Section 1‑23‑120(J) of the 1976 Code is amended to read:

“(J)(1) Except as provided in item (2), each state agency which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997, and every five years thereafter, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner a report which identifies those regulations:

~~(1)~~(a) for which the agency intends to begin the process of repeal in accordance with this article;

~~(2)~~(b) for which the agency intends to begin the process of amendment in accordance with this article; and

~~(3)~~(c) which do not require repeal or amendment.

Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with this article before or after it is identified in the report to the Code Commissioner.

(2) Regulations promulgated on and after July 1, 2014, by a state agency or department expire five years after their effective date, pursuant to Section 1‑23‑139, and the provisions of item (1) do not apply to these regulations. The provisions of item (1) do apply to all other regulations of the agency or department promulgated before July 1, 2014, which are in effect.”

SECTION 3. This act takes effect July 1, 2014.

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